

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TONY A. LUCERO,
Plaintiff,

v.

AMERICAN HOME MORTGAGE,
Defendant.

No. C 09-02879 CRB

ORDER TO SHOW CAUSE

Plaintiff Tony Lucero filed a complaint against Defendant American Home Mortgage on April 8, 2009 in the Superior Court of the State of California, for the County of Contra Costa. Defendant removed the suit to this Court on June 25, 2009. On July 6, 2009, Defendants filed both a motion to suppress and a motion to dismiss Plaintiff's suit. Though originally calendared for August 7, 2009, the motion hearing was moved to August 21, 2009. Pursuant to Local Rule 7-3, Plaintiff's opposition brief was due on July 31, 2009. No brief was filed on that date. The Court's staff telephoned Plaintiff's counsel and left a message about the missed deadline. However, as of this date, Plaintiff has failed to file a brief.

Therefore, the motion hearing on August 21, 2009 is hereby VACATED, and Plaintiff is hereby ORDERED to show cause why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 41 for a failure to prosecute. Failure to respond within ten

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(10) days of the issuance of this order will result in dismissal of Plaintiff's action with prejudice.

IT IS SO ORDERED.

Dated: August 11, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE